REMARKS

Claims 1-15 have not been amended. Applicants have added new claims 16-18. No new matter has been added by these claims as the application as filed provides support throughout the description. For example, the application as filed provides support for: claim 16 at least on pages 22, line 20 through page 24 line 6; claim 17 at least on page 24, line 10 through page 25, line 2; and claim 18 at least on page 30 line 13 through page 31, line 32.

Eighteen (18) claims are pending in the application: claims 1-18. Applicants respectfully request reconsideration of the present application in view of the above amendments and following remarks.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Rejections under 35 U.S.C. §112

1. The office action has rejected claims 1-15 under 35 U.S.C. §112, first paragraph, suggesting that these claims fail to comply with the written description requirement. More specifically, the office action states that there is no support for the claimed "ascertaining whether client apparatuses have the event stored in memory...." and "upon ascertaining that the client apparatus has the predefined content stored...." Applicants respectfully traverse these rejections, as the application as filed provides support for the indicated claim language. For example, on at least page 32 with reference to FIG. 9, the application provides a description of the claimed language. More specifically, on page 32 at about lines 4-12, the application describes "a host server may be synchronizing more than one event at once" and that the host distinguishes and/or ascertains whether events are stored on client apparatuses. The application continues describing that host retrieves an "identifier of the event which is stored in memory of the client apparatus ... utilizing the network" referring to operation 904 of FIG. 9, and compares the identifier "with an identifier of a scheduled event" referring to operation 906 FIG. 9

(Application, page 32, lines 18-19). A comparison of the retrieved stored event identifier and the scheduled event identifier allows the claimed systems and/or methods to ascertain "whether the client apparatuses have the event stored in memory as claimed." One skilled in the art would fully appreciate that the comparison allows for the ascertaining because at least a match defines and/or ascertains that the client apparatus has the event stored. Therefore, the application as filed describes "ascertaining whether the client apparatuses have the event stored in memory" as claimed by at least retrieving the unique identifiers when the client apparatuses have predefined content stored and verifying that the content matches with a scheduled event.

Further, as described above, the application on page 32 at lines 18-19, the application states "If the comparison renders a match, the playback of the event is begun ..." (emphasis added). Therefore, the application as filed describes beginning playback upon ascertaining a comparison renders a match that the client apparatus has the predefined content that matches an identifier of a scheduled event.

Therefore, the application as filed reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention and provides support for the claim language: "ascertaining whether client apparatuses have the event stored in memory...." and "upon ascertaining that the client apparatus has the predefined content stored...." Applicants have demonstrated that the application as filed satisfies 35 U.S.C. §112, first paragraph, with regard to at least pending claims 1-15, thus, Applicants respectfully request the rejection be withdrawn.

Rejections under 35 U.S.C. §103

2. Claims 1-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,825,876 (Peterson) in view of U.S. Patent Publication No. 2002/0026321 (Faris et al.) and U.S. Patent No. 6,463,468 (Buch et al.). Applicants respectfully traverse these rejections.

More specifically, the Peterson patent describes a system and method for providing access to "prerecorded content" (Peterson, for example, col. 1 ln. 10; col. 2 ln. 13; col.

2 ln. 47, etc.). In the rejection of claim 1, the Examiner states that "Peterson and Faris are silent on ascertaining whether the client apparatuses have the event stored in memory" (office action, pg. 6) and relies on the Buch patent, indicating that the Buch patent determines whether a download is complete. The office action equates determining that the download is complete to the claimed "ascertaining whether the client apparatuses have the event stored in memory" and suggests that it would be obvious to modify Peterson to ascertain that a download was complete. However, the Peterson patent specifically teaches away from downloading the event as Peterson is specifically directed to "prerecorded content" (Peterson, see for example, the Title; col. 1, ln. 10; col. 2, ln. 47; col. 3, lns. 31-32; col. 5, lns. 19-29; etc., emphasis added) and thus, would not determine whether a download was complete. One skilled in the art would not alter the Peterson patent as suggested by the Examiner, i.e., to verify that a download was complete, because the Peterson patent only describes using locally stored prerecorded content. Furthermore, Peterson does not teach or suggest "ascertaining whether the client apparatuses have the event stored in memory" because the prerecorded content is already known to Peterson, and thus there is no motivation to "ascertain" whether the apparatus has a particular event stored in memory. Therefore, one skilled in the art would not combine Peterson with the Buch patent as the Peterson patent teaches away from "ascertaining whether the client apparatuses have the event stored in memory".

Further, the office action suggests "Peterson teaches that the download must be complete" citing column 12, lines 35-51 of the Peterson patent. However, this portion of the Peterson patent does not discuss downloading content nor does it discuss that a download must be complete. Instead, the Peterson patent teaches away verifying that a download is complete in that Peterson is specifically directed to "prerecorded content" and thus, does not verify a download is complete as it is already know that that the client has the content. Therefore, the Peterson patent does not teach or suggest "ascertaining whether the client apparatuses have the event stored in memory" as claimed, and instead teaches away from ascertaining because the Peterson system already knows the client device has the prerecorded content (e.g., DVD), and thus, does not determine or ascertain whether a download is complete.

Still further, the Peterson and Faris patents teach away utilizing the network to ascertain whether the client apparatuses have the content. Both Peterson and Faris patents describe systems that already know the client apparatuses have the content, and as such would not ascertain whether the clients have the content. Thus, neither the Peterson patent nor the Faris patent teach ascertaining whether the apparatuses have the content because they already know the clients have the content.

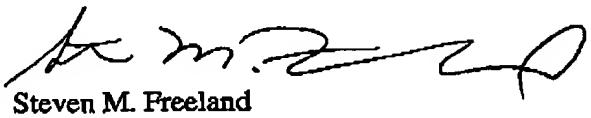
Therefore, claims 1-18 are not obvious over the applied prior art. Instead, the prior art teaches away from the pending claims. Thus, claims 1-18 are in condition for allowance and Applicants respectfully request a notice of allowance.

CONCLUSION

In view of the above amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable action.

Dated: September 2, 2005

Respectfully submitted,



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